



PATENT
Customer No. 22,852
Attorney Docket No. 08702.0010-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Larsen *et al.*) Group Art Unit: 1646
)
Serial No.: 09/935,144) Examiner: ZOLTAN JONES, A.
)
Filed: August 21, 2001) Confirmation No.: 9733
)
For: NOVEL P-SELECTIN LIGAND)
PROTEIN)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

A Pre-Appeal Brief Conference is requested in this application in accordance with the USPTO Notice dated June 20, 2005.

Claims 59, 61 and 67 are pending. Claims 58, 60, 62-66, and 68-71 are allowed.

Clear error is present in the rejection of claims 59, 61, and 67 for allegedly failing to comply with the written description requirement of under 35 U.S.C. § 112, first paragraph. The Examiner alleges that the list of diseases and conditions to be treated with the methods of the invention is not disclosed in the specification, and contends the application only "indicates a role for selectin-mediated cellular adhesion in the processes of inflammation, thrombotic disorders, parasitic disorders, and possibly the metastatic spread of tumor cells (p. 1, lines 20-25), but does not conceive the diseases

presented in the claims." Office Action of 08/29/05, p. 2. Contrary to the assertion by the Examiner, the specification as filed clearly provides adequate written description support for the diseases in claims 59, 61, and 67:

Isolated P-selectin ligand protein may be useful in treating conditions characterized by P-, E- or L-selectin mediated intercellular adhesion. Such conditions include, without limitation, myocardial infarction, bacterial or viral infection, metastatic conditions, inflammatory disorders such as arthritis, gout, uveitis, acute respiratory distress syndrome, asthma, emphysema, delayed type hypersensitivity reaction, systemic lupus erythematosus, thermal injury such as burns or frostbite, autoimmune thyroiditis, experimental allergic encephalomyelitis, multiple sclerosis, multiple organ injury syndrome secondary to trauma, diabetes, Reynaud's syndrome, neutrophilic dermatosis (Sweet's syndrome), inflammatory bowel disease, Grave's disease, glomerulonephritis, gingivitis, periodontitis, hemolytic uremic syndrome, ulcerative colitis, Crohn's disease, necrotizing enterocolitis, granulocyte transfusion associated syndrome, cytokine-induced toxicity, and the like. Isolated P-selectin ligand protein may also be useful in organ transplantation, both to prepare organs for transplantation and to quell organ transplant rejection. . . . Isolated P-selectin ligand protein may be used to treat hemodialysis and leukapheresis patients. Additionally, isolated P-selectin ligand protein may be used as an antimetastatic agent. Isolated P-selectin ligand protein may be used itself as an inhibitor of P-, E- or L-selectin-mediated intercellular adhesion or to design inhibitors of P-, E- or L-selectin-mediated intercellular adhesion.

Specification at p. 21, line 34 to p. 22, line 19.

Applicants request withdrawal of all outstanding rejections and the timely allowance of the pending claims. Applicants presented this argument in the November 21, 2005, Amendment after Final and have received neither a Notice of Allowance nor an Advisory Action. If the Office allows this application based on these identical

arguments, applicants request that the filing of these papers not affect Patent Term Adjustment.

Please grant any extensions of time required to enter this request and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 28, 2006

By: Rebecca M. McNeill
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